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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,904	05/31/2001	John A. Nix	MBHB00-581	4629
20306	7590	12/30/2005	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP			BLOUNT, STEVEN	
300 S. WACKER DRIVE			ART UNIT	
32ND FLOOR			PAPER NUMBER	
CHICAGO, IL 60606			2668	

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/872,904

Applicant(s)

NIX ET AL.

Examiner

Steven Blount

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 92 - 98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 92 - 98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

A. Claim 92 is objected to because in the third to last line, "with the gateway" should read "to the gateway".

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 92, 93, and 95 – 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,711,417 to Gorman et al in view of Applicants Admitted Prior Art (hereinafter AAPA), U.S. patent 6,026,417 to Lamkin et al, and U.S. patent 6,968,385 to Gilbert.

Gorman teaches the claimed invention including, importantly, PSTP unit 108 (labeled as "ISH" in figure 1) which communicates both signaling and media in a non-native format with the client device 113, and signaling and media in a native format across packet network 116 with the gateway 120. Gorman does not however teach the use of a downloadable client, call logger, or database verification unit.

AAPA, on page 3, second paragraph, teaches a downloadable client.

Gilbert teaches in its entirety the well known implementation of a database verification unit.

Lamkin teaches in its entirety the well known implementation of a call logger.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Gorman with a downloadable client, call logger, and database verification unit in order to make the system more versatile and secure.

With regard to claim 93, note the use of manager 93 in combination with the ISH units.

With regard to claim 95, HTTP is taught in Gilbert.

With regard to claim 96, H.323 is taught in AAPA.

With regard to claim 97, the listed formats are all typical of the signaling type taught in col 6 lines 1+ of Gorman et al.

With regard to claim 98, see the discussion of the database verification and note that this would be within its teachings.

3. Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,711,417 to Gorman et al in view of Applicants Admitted Prior Art (AAPA), U.S. patent 6,026,417 to Lamkin et al, and U.S. patent 6,968,385 to Gilbert as applied above to claims 92, 93, and 95 – 97, and further in view of U.S. patent 6,751,652 to Thomas.

Gorman/AAPA/Lamkin/Gilbert teach the invention as above, but do not teach the use of a proxy server for selecting a gateway. This is taught in Thomas.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Gorman/AAPA/Lamkin/Gilbert with a proxy server for selecting a gateway in light of Thomas so that a call can be routed to the proper network.

4. Applicants arguments are moot in view of the new grounds of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 703-305-0319. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chieh Fan, can be reached on 571 – 272 - 3042. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**Ajit Patel**  
**Primary Examiner**

SB  
  
12/7/05